



Applicant: Daniel J. Balbierz et al.
Serial No.: 09/823,903
Filing Date: March 30, 2001
For: TISSUE BIOPSY AND TREATMENT
APPARATUS AND METHOD

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

1. Transmitted herewith are the following:
 - ☒ An Amendment under 37 CFR §1.111
 - ☒ A Petition for Two-month Time Extension
 - ☒ A Check in the amount of **\$205.00** covering the fees due.
2. Entity Status
 - ☒ Small Entity Status (37 CFR 1.9 and 1.27) is proper for this case.
3. Conditional Petition for Extension of Time:
An Extension of Time is requested to provide for timely filing if necessary for timely filing of this transmittal and enclosures.
4. Provisional Fee Authorization
Please charge any underpayment in fees for timely filing of this transmittal and enclosures to Deposit Account No. 50-2207.

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MAY 06 2003
TECHNOLOGY CENTER R3700

Respectfully submitted,
Perkins Coie LLP

Jacqueline F. Mahoney
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Date: April 29, 2003

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#11/A

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Balbierz and Johnson

SERIAL No.: 09/823,903

FILED: March 30, 2001

FOR: **TISSUE BIOPSY AND TREATMENT
APPARATUS AND METHOD**

EXAMINER: Vrettakos

ART UNIT: 3739

CONFIRMATION No.: 7575

Amendment Under 37 C.F.R. 1.111Assistant Commissioner for Patents
Washington, D.C. 20231**RECEIVED**
MAY 06 2003
TECHNOLOGY CENTER R3700

Sir:

In response to the Office action dated November 29, 2002 in the above-identified application, please amend the above-identified application as follows.

In the Specification:

On page 4, please replace the paragraph starting on line 5 with the following:

Yet another embodiment of the invention includes a method for tumor detection, wherein a primary optically labeled marker or antibody is infused into a patient or injected into a target tissue or organ site containing a tumor and specifically binds to a marker produced by or associated with a tumor. The target tissue or organ site is scanned with a biopsy ablation apparatus including a sensor array and the binding sites of the labeled marker antibody are located by detecting elevated levels of optical label signal intensity at such sites with the sensor array. This information can be digitally stored and displayed on a monitor device to accurately position the biopsy ablation apparatus within the tumor s to deliver energy to necrose or ablate the tumor resulting in an ablation volume. A second marker which binds or reacts with necrosed tumor tissue can infused or injected into the tumor site before, during or after the delivery of ablating

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